

1 apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
2 (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424
3 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

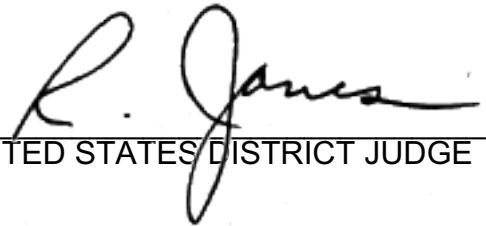
4 In determining whether to dismiss an action for lack of prosecution, failure to obey a
5 court order, or failure to comply with local rules, the court must consider several factors: (1)
6 the public's interest in expeditious resolution of litigation; (2) the court's need to manage its
7 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of
8 cases on their merits; and (5) the availability of less drastic alternatives. *Thompson*, 782 F.2d
9 at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-
10 61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in
12 expeditiously resolving this litigation and the Court's interest in managing the docket, weigh
13 in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of
14 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay in
15 filing a pleading ordered by the court or prosecuting an action. *See Anderson v. Air West*, 542
16 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy favoring disposition of cases
17 on their merits – is greatly outweighed by the factors in favor of dismissal discussed herein.
18 Finally, a court's warning to a party that his failure to obey the court's order will result in
19 dismissal satisfies the "consideration of alternatives" requirement. *Ferdik*, 963 F.2d at 1262;
20 *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The Court's order requiring
21 Plaintiff to file an amended complaint within thirty days expressly stated: "IT IS FURTHER
22 ORDERED that if Plaintiff chooses not to file an amended complaint curing the stated
23 deficiencies of the complaint, this action shall be dismissed." (ECF No. 8 at 7). Thus, Plaintiff
24 had adequate warning that dismissal would result from his noncompliance with the Court's
25 order to file an amended complaint within thirty days.

26 It is therefore ordered that this action is dismissed based on Plaintiff's failure to file an
27 amended complaint in compliance with this Court's January 26, 2016, order and for failure to
28 state a claim.

1 It is further ordered that the Clerk of Court shall enter judgment accordingly.
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3 DATED: This 4th day of March, 2016.
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6 UNITED STATES DISTRICT JUDGE
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